

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

JEFFERY SCOTT RHODES SR.,)	
)	
Plaintiff,)	Case No. _____
)	
vs.)	Removed from the Circuit Court
)	of St. Louis City
SSM-SLUH, INC. d/b/a Saint Louis)	
University Hospital,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant SSM-SLUH, Inc. d/b/a SSM Health Saint Louis University Hospital¹ (“Defendant” or “SSM”) respectfully submits this Notice of Removal for the purpose of removing the above-captioned action from the Circuit Court of the City of St. Louis, Missouri to the United States District Court for the Eastern District of Missouri based on federal question jurisdiction. In support of the Notice of Removal, SSM states as follows:

1. Plaintiff Jeffery Scott Rhodes Sr. (“Plaintiff”) commenced the above-captioned action in the Circuit Court of St. Louis City, Missouri on or about November 4, 2022, by filing his Petition in the cause styled *Jeffery Scott Rhodes Sr. v. SSM-SLUH, Inc. d/b/a Saint Louis University Hospital.*, Case No. 2222-CC09845. A true and correct copy of the complete state court file is attached hereto and marked **Exhibit A.**

2. On or about November 21, 2022, SSM was served with the Petition. Pursuant to 28 U.S.C. § 1446(a), a true and legible copy of “all process, pleadings, documents and orders” served upon SSM is attached hereto and marked **Exhibit B.**

¹ Incorrectly named SSM-SLUH, INC. d/b/a Saint Louis University Hospital in the caption.

3. This Notice of Removal is timely filed within thirty (30) days after SSM received the Petition through service as required by 28 U.S.C. § 1446(b).

4. Promptly after removal, copies of this Notice shall also be filed with the Clerk of the Circuit Court of St. Louis City, Missouri and provided to Plaintiff pursuant to § 1446(d). A copy of the Notice to State Court of the Filing of the Notice of Removal is attached hereto and marked **Exhibit C**. A copy of the Notice to Plaintiff of the Filing of the Notice of Removal is attached hereto and marked **Exhibit D**.

5. The United States District Court for the Eastern District of Missouri is the federal judicial district embracing the Circuit Court of St. Louis City, Missouri, where this suit was originally filed. 28 U.S.C. §§ 105(a)(1), 1441(a).

FEDERAL QUESTION JURISDICTION

6. Removal is proper pursuant to 28 U.S.C. § 1331, as this honorable Court has original jurisdiction over Plaintiff's claims alleging violations of federal law.

7. District courts have original jurisdiction in cases involving a federal question, which are "civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

8. Plaintiff raises seven counts in his Petition for Damages, six of which allege violations of federal statutes. Specifically, Plaintiff pleads race discrimination, gender discrimination, and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended (Counts I - IV), age discrimination in violation of the Age Discrimination in Employment Act of 1967 (Count V), and race discrimination in violation of 42 USC § 1981 (Count VI).

9. In Count VII, Plaintiff alleges workers' compensation retaliation under the Missouri Workers' Compensation Act, RSMo § 287.010, et seq. Federal district courts do not have

jurisdiction over state workers' compensation statutes pursuant to 28 U.S.C. § 1445. Accordingly, under 28 U.S. Code §§ 1441(c), this action may be removed, but Count VII shall be severed and remanded to the Circuit Court for the City of St. Louis, Missouri.

10. Although Count VII is a nonremovable claim, 28 U.S. Code §§ 1441(c) requires that this Court retain jurisdiction over Plaintiff's claims arising under federal law (Counts I-VI). *See Carr v. Am. Bottling Co.*, No. 4:21-CV-325 SRW, 2021 WL 1733526, at *3 (E.D. Mo. May 3, 2021).

CONCLUSION

WHEREFORE, SSM hereby removes the above-styled action pending against it in the Circuit Court of St. Louis City, Missouri to this Honorable Court.

Dated: December 21, 2022

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

By: /s/ Amy L. Blaisdell
Amy L. Blaisdell, MO Bar #51068
Katie L. Fechte, MO Bar #67927
10 S. Broadway, Suite 2000
St. Louis, MO 63102-1747
Telephone: 314/241-9090
Facsimile: 314/241-8624
apb@greensfelder.com
kfechte@greensfelder.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served same via email on:

Ryan M. Furniss
Joshua G. Miller
THE FURNISS LAW FIRM, LLC
7750 Clayton Road, Suite 102
St. Louis, MO 63117
rfurniss@furnisslaw.com
jmiller@furnisslaw.com

Attorneys for Plaintiff

/s/ Amy L. Blaisdell